

From: [Ohl, Matthew](#)
To: [Timothy Thurlow](#); [Janet Pope](#)
Subject: FW: New Assignment - Control R5-13-000-6082 regarding Pines Groundwater Plume
Date: Tuesday, June 04, 2013 5:32:00 PM
Attachments: [R5-13-000-6082 Control Slip.pdf](#)
[R5-13-000-6082 Incoming.pdf](#)

FYI

Bertanna Louie [mailto:Louie.Bertanna@epamail.epa.gov] **On Behalf Of** SFDIO@epa.gov

Sent: Tuesday, June 04, 2013 5:17 PM

To: Ohl, Matthew; Prendiville, Timothy; Tanaka, Joan; Jeffries, Karen

Cc: Mcseveney, Megan; SFDIO; Bumba, Lauren

Subject: New Assignment - Control R5-13-000-6082 regarding Pines Groundwater Plume

Good evening,

Attached is the incoming letter and control slip for:

Control #: R5-13-000-6082

Addressee: Paul Kysel

Subject: Pines Request for EPA to disqualify Aecom (Lisa Bradley) from continued participation

DUE IN ORA: June 14, 2013

Due Date: June 18, 2013

Please begin drafting a response for the RA's signature. If you have any questions, respond to this message or contact the SFD immediate office at 3-9773.

Thank you!

Bertanna Louie
SFD IO

(See attached file: R5-13-000-6082 Control Slip.pdf)(See attached file: R5-13-000-6082 Incoming.pdf)



Correspondence Management System

Control Number: R5-13-000-6082

Printing Date: June 04, 2013 05:26:44



Citizen Information

Citizen/Originator: Kysel, Paul

Organization: People In Need of Environmental Safety

Address: **Exemption 6**

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: R5-13-000-6082

Alternate Number: N/A

Status: Pending

Closed Date: N/A

Due Date: Jun 18, 2013

of Extensions: 0

Letter Date: May 17, 2013

Received Date: Jun 3, 2013

Addressee: R5-Regional Administrator -
Region 5

Addressee Org: EPA

Contact Type: LTR (Letter)

Priority Code: Normal

Signature: RA-R5-Regional Administrator -
Region 5

Signature Date: N/A

File Code: 404-141-02-01_141_a(1) Controlled and Major Corr. Record copy of of the offices of the EPA Administrator & other senior officials - Nonelectronic

Subject: Alternative Superfund Site aka Pines Ground Water Plume Site/Request EPA disqualify Aecom - specifically Lisa Bradley from continued participation

Instructions: DX-Respond directly to this citizen's questions, statements, or concerns

Instruction Note: N/A

General Notes: N/A

CC: N/A

Lead Information

Lead Author: Bertanna Louie

Office: R5-SFD-ERB-FSS

Due Date: Jun 18, 2013

Assigned Date: Jun 4, 2013

Complete Date: N/A

Instruction: DX-Respond directly to this citizen's questions, statements, or concerns

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
Gayvonne Gary	R5	Lauren Bumba	Jun 4, 2013	Jun 18, 2013	N/A
Instruction: DX-Respond directly to this citizen's questions, statements, or concerns					

Supporting Information

Supporting Author: N/A



Correspondence Management System

Control Number: R5-13-000-6082

Printing Date: June 04, 2013 05:26:44



Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
Gayvonne Gary	R5	Bertanna Louie	Jun 4, 2013

History

Action By	Office	Action	Date
Gayvonne Gary	R5	Assign Lauren Bumba as lead	Jun 4, 2013
Gayvonne Gary	R5	Assign Bertanna Louie to support the control	Jun 4, 2013
Bertanna Louie	R5-SFD-ERB-FSS	Take task	Jun 4, 2013
Bertanna Louie	R5-SFD-ERB-FSS	Completed support assignment	Jun 4, 2013

Comments

Commentator	Comment	Date
No Record Found.		

RECEIVED

MAY 29 2013

U.S. EPA REGION 5
OFFICE OF REGIONAL ADMINISTRATOR

May 17, 2013

Dr. Susan Hedman, Administrator
U.S. Environmental Protection Agency
Region 5

Dear Ms. Hedman:

Pursuant to the verbal request conveyed to Mr. Matt Ohl during an interview session conducted by the USEPA on May 13, 2013 at the Michigan City Public Library that included, Ms. Janet Pope, Ms. Cheryl Vacarello, Mr. Eli Port, and Mr. Eric Morton (henceforth referred to as "the meeting"), I, acting as the President of the PINES Group, the approved citizens group representing the local affected community, am writing to formally request that the USEPA immediately disqualify Aecom and specifically, Lisa Bradley, from continued participation in / at the Alternative Superfund Site that is known as the Pines Ground Water Plume Site in the Town of Pines, Indiana. Additionally, we also demand that USEPA arrange for a formal documented review, by an objective consulting group agreeable to all parties, of all work completed by Aecom to date on behalf of the Responsible Parties during the Superfund process. Such a consulting group must not have a financial, consulting, or representational relationship with the affected industries in order to avoid even the appearance of having a conflict of interest.

As outlined during the meeting, the PINES Group has determined that due to Aecom, and specifically Lisa Bradley's work (and representation) on behalf of the coal ash industry (and perhaps other affected industries), their Pines work product and methodology is suspect at best and is obviously biased on behalf of the coal ash industry they represent - outside of their direct work on the Pines Site.

From the beginning of this long Superfund process, the PINES Group and the affected public have been assured that the Superfund process would be objective and free from industry bias. As noted at the meeting, the process has proven to be anything but due to the flawed design, or application, of the Alternative Superfund process wherein the Potentially Responsible Parties have employed the services of a firm, and lead consultant, that appear to have deep financial and consulting relationships with the very industry that is most concerned about the outcome of this Superfund process - the Coal Ash Industry - a multi-billion dollar industry.

Lisa Bradley routinely provides supposed "expert testimony" wherein she repeatedly asserts that coal ash is perfectly safe, and has to this end, published "scientific reports" utilizing junk-science on behalf of the industries (electric power, coal and coal ash - to name but a few) at greatest financial risk should the EPA declare that coal ash is the hazardous material that its presence in the Town of Pines has demonstrated that it is. In fact Bradley has been so effective in her efforts on behalf of these industries that the American Coal Ash Association (ACAA) appointed her to its elite Executive Committee - a lobbying organization whose membership includes all major coal-burners, including Duke, Southern Company and Ameren, a utility that is fighting to build a new coal ash landfill in the Missouri floodplain.

Bradley, acting as an Aecom consultant, recently testified at a public hearing in Union, MO that "a child could consume coal ash every day and have no increased exposure to arsenic." Her often cited "Coal Ash Material Safety, A risk-based evaluation" report published in 2012, asserts that coal ash is perfectly safe, citing a 2011 U.S. Geological Survey (USGS) published report that provided data for concentrations of metals and inorganics in coal ash from five power plants across the United States. While Bradley's report is cited by the Coal Ash industry as a complete analysis of the potential toxicity of coal ash she in fact excluded lessons learned from the Pines Site that the leaching of toxins from coal ash has created both a potential public health risk and significantly impacted the local environment. Her report states that: "The USGS data does not address, nor is it appropriate for, the evaluation of the potential for constituent leaching from coal ash".

The transparent and objective process that the citizens of the Town of Pines should expect (and were promised) from its USEPA has thus been high-jacked (if not in truth at least in appearance) by the very industry at greatest financial risk should the EPA regulate coal ash as a hazardous material and as a result the process has been fatally flawed. The PINES Group's role has, by apparent design and approval of the USEPA, been severely compromised in comparison to the virtually unlimited funding available to the Responsible Parties, and we now suspect support from the ACAA and possibly others. The David versus Goliath arrangement of this process cannot but produce a flawed result and has tilted the process strongly in favor of the affected industries. Without the public's confidence that the USEPA has created and maintained a level playing field, how can the public accept the results the process will produce? WE MAINTAIN IT CANNOT.

Aecom and Lisa Bradley must be disqualified from the Superfund process due to their obvious conflicts of interest. Indeed, the discovery of these conflicts leads us to question the objectivity of all consultants participating in this process, even those hired by the USEPA to assist it to review data produced by Aecom throughout the Superfund process. Therefore, the PINES Group also formally requests that the EPA provide the PINES Group, and the public, with documentation outlining the consulting services that these consultants, Tetra-Tech and RSSI, have performed / may be performing for the Coal, Utility and / or Coal Ash industries while supposedly remaining scientifically objective on behalf of the public and in the service to the USEPA during this process.

Paul Kysel, PINES Group President

Exemption 6

cc: Bob Perciasepe current USEPA Acting Administrator and the Deputy Administrator

enclosures:

1. WBEZ - Delay & Denial in Pines 4/8/2013
2. Dr. Lisa Bradley Elected to ACAA Executive Committee - AECOM website
3. Slide #1 & #31 from Lisa Bradley's Is Coal Ash Toxic? slide presentation to the World of Coal Ash, 5/10/2011
4. Coal Ash Material Safety - A risk-based evaluation, by Lisa Bradley, June 2012
5. ACAA's Junk Science Report Claims Coal Ash Is Like "Common Dirt", EarthJustice
6. Ruling paves way for Ameren coal ash landfill in Franklin County, Saint Louis Today, 5/11/2013